UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02/02/2006</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-9</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>09/18/2007</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

1.   This is the initial office action bases on the application files on February 2nd, 2006, which claims 1 to 9 are presented for examination.

Status of Claims

2.   Claims 1-20 are pending, of which claims 1, and 9 are in independent form.

Oath/Declaration

3.   The office acknowledges receipt of a properly signed oath/declaration filed on February 2nd, 2006.

Priority

4.   The priority date that has been considered for this application is August 6th, 2003.

Information Disclosure Statement

5.   The information disclosure statements filed on September 18th, 2007 comply with the provisions of 37 CFR 1.97, 1.98. They have been placed in the application file and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claim 8 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claim 8 fails to fall within a statutory category of invention. Note that the

phrase "A computer program" in the claim which is directed to a program itself,

which means it is directed to a process, not directed to machine, manufacture

or produces a physical transformation. Therefore, it is clear that claim 8 does

not fall within any of the categories of patentable subject matter set forth in 35

U.S.C. § 101, and such claim is therefore ineligible for patent protection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by
> the manner in which the invention was made.

4.   Claims 1-3, 6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Nakajima et al. (US Patent No 6008806) in view of Salmimaa

et al. (US Patent Application Publication No 2002/0160817- IDS of record).

In reference to claim 1:

Nakajima discloses:

A method of presenting a plurality of items, comprising the steps of: enabling (1) a user to select an item in a selection context, a selection context representation representing the selection context,

(Col 1, lines 66,67, and Col 2, lines 1-4; In accordance with a further aspect of the present invention, configuration information about a context menu handler is registered in database configuration information in a data processing system. A user makes a request (select) and, in response to the request, the database is accessed to obtain configuration information about the context menu handler.)

Nakajima discloses:

associating (3) said item with said selection context representation; and presenting (5) a plurality of items including said item in a presentation context in dependence upon a relation between a presentation context representation representing the presentation context and said selection context representation,

(Col 2 lines 5-9; The context menu handler is invoked to add menu items to a context menu of an object. A shell of an operating system provides at least one menu item for the context menu (presentation context), but the context menu handler is used to add at least one additional menu item to the context menu (presentation context) for the object.)

Nakajima does not disclose:

the selection context representation including at least a parameter indicating a geographical area;

However, Salmimaa discloses:

the selection context representation including at least a parameter indicating a geographical area;

(Paragraph11, 1-8; A third embodiment of the invention includes a mobile terminal configured with a microprocessor, a memory, and a display device that displays a plurality of icons. The icons are displayed on the display device using a display format (e.g., size) that relates to the degree with which each

icon matches one or more context values, such as time of day, geographic

location, or characteristics contained in a user's profile.)

Nakajima does not disclose:

the presentation context representation including at least a parameter indicating

a geographical area

However, Salmimaa discloses:

the presentation context representation including at least a parameter indicating

a geographical area

 (Paragraph 9, lines 9-14; The context values may include dynamically

changing information (parameter), such as a current location (geographical

area) of the user, so that as the user moves to a different geographic area,

different icons are enlarged on the display device. The icons can correspond to

application programs; logos (such as a corporate logo); documents; Web sites;

or other objects.)

It would have been obvious to one ordinary skill in the art at the time the

invention was made to combine Salamimaa's method of adding geographical

location within Nakajima's extensible context menu because that would

enhance Nakajima's context menu presentation by providing the proximity of

the user instant location during the time the user interact with the device and

display the appropriate location indication within the context display

(Salmimaa, Paragraph 27).

In reference to claim 2:

Nakajima discloses:

wherein the relation between said selection context representation and said

presentation context representation is determined to exist if said presentation

context and said selection context at least partly overlap.

(Col 3, lines 28-35; A shell extension handler is provided for one of the classes

of objects to extend the functionality of the shell relative to that class of

objects. The shell extension handler is independent of the operating system
and may be provided, for instance, by an application program. The shell
extension handler is invoked to extend the functionality of the shell for an
object in the class of objects for which the shell extension handler is provided.)

In reference to claim 3:

Nakajima discloses:

*wherein a position of said item in said presentation depends on said relation
between said presentation context representation and said selection context
representation.*

(Col 24, lines 24-30; When the system is about to display a context menu for a
file object, the system calls the context-menu handler's QueryContextMenu
member function (presentation context). The context-menu handler inserts
menu items by position (MF.sub.-- POSITION) directly into the context menu by
calling the InsertMenu function. Menu items must be string items (MF.sub.--
STRING), as the following example demonstrates.

In reference to claim 6:

Nakajima does not disclose:

*wherein the presentation is personalized for a certain user and the presentation
depends on whether the certain user is the user that selected said item.*

However, Salmimaa discloses:

*wherein the presentation is personalized for a certain user and the presentation
depends on whether the certain user is the user that selected said item.*

(Paragraph 20, 21, Refer to FIG 6A, 6B and associated texts)

It would have been obvious to one ordinary skill in art at the time the invention
was made to combine Salamimaa's method of differentiating menu context for
different users with Nakajima's method because that would enhance the
presentation context to display individually personalized context profile for

each of the distinct user and their previously used application (Salmimaa, paragraph 6).

In reference to claim 8:

Nakajima discloses:

A computer program enabling a programmable device to carry out a method.
(Col 5, lines 48-50; FIG. 1 is a block diagram of a computer system 10 that is suitable for practicing the preferred embodiment of the present invention.)

In reference to claim 9:

Nakajima discloses:

An electronic device (11), comprising: a selection means (15) for enabling a user to select an item in a selection context, a selection context representation representing the selection context,
(Col 1, lines 66,67, and Col 2, lines 1-4; In accordance with a further aspect of the present invention, configuration information about a context menu handler is registered in database configuration information in a data processing system. A user makes a request (select) and, in response to the request, the database is accessed to obtain configuration information about the context menu (presentation context) handler.)

Nakajima discloses:

an associating means (17) for associating said item with said selection context representation; and a presenting means (19) for presenting a plurality of items including said item in a presentation context in dependence upon a relation between a presentation context representation representing the presentation context and said selection context representation,
(Col 2 lines 5-9; The context menu (presentation context) handler is invoked to add menu items to a context menu of an object. A shell of an operating system provides at least one menu item for the context menu (presentation context),

but the context menu handler is used to add at least one additional menu item to the context menu for the object.)

Nakajima does not disclose:

the selection context representation including at least a parameter indicating a geographical area;

However, Salmimaa discloses:

the selection context representation including at least a parameter indicating a geographical area;

(Paragraph11, 1-8; A third embodiment of the invention includes a mobile terminal configured with a microprocessor, a memory, and a display device that displays a plurality of icons. The icons are displayed on the display device using a display format (e.g., size) that relates to the degree with which each icon matches one or more context values, such as time of day, geographic location, or characteristics contained in a user's profile.)

Nakajima does not disclose:

the presentation context representation including at least a geographical area

However, Salmimaa discloses:

the presentation context representation including at least a geographical area

(Paragraph 9, lines 9-14; The context values may include dynamically changing information, such as a current location of the user, so that as the user moves to a different geographic area, different icons are enlarged on the display device. The icons can correspond to application programs; logos (such as a corporate logo); documents; Web sites; or other objects.)

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine Salamimaa's method of adding geographical location within Nakajima's extensible context menu because that would enhance Nakajima's context menu presentation by providing the proximity of the user instant location during the time the user interact with the device and

display the appropriate location indication within the context display
(Salmimaa, Paragraph 27).

5.   Claims 4,5, and 7 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Nakajima in view of Salmimaa as applied to claim1 above,

and further in view of Roth (US Patent Application Publication No

2001/0019338).

<u>In reference to claim 4:</u>

Nakajima modified by Salmimaa substantially disclose method set forth in
claim 1 above, Nakajima modified by Salmimaa does not disclose:
wherein the presentation of the plurality of items depends on at least one of: a
number of times said item has been selected in said selection context and a date
of a most recent selection of said item in said selection context.
However, Roth discloses:
wherein the presentation of the plurality of items depends on at least one of: a
number of times said item has been selected in said selection context and a date
of a most recent selection of said item in said selection context.
(Paragraph 80, lines 1-3; Frequency control points are awarded based on the
number of times that a menu item has been selected in comparison to other
menu items in the same menu.)
(Paragraph 68, lines 1-4; Time stamp field 815 is used to track the last date
(most recent) and time that the subject menu item was selected. This field is
used for the automatic recency and the automatic time of day control facilities.)
It would have been obvious to one ordinary skill in the art at the time the
invention was made to combine Roth's method of selecting the context
arrangement with Nakajima's method because Roth's method would provide
the means for Nakajima's method to display the number of appearances of
individual menu item within the context presentation (Roth Paragraph 6).

In reference to claim 5:

Nakajima modified by Salmimaa substantially disclose method set forth in claim 1 above, Nakajima modified by Salmimaa does not disclose:

wherein the plurality of items are presented in an order in accordance with at least one of: a number of times each of the plurality of items has been selected and a date of a most recent selection of each of the plurality of items.

However, Roth discloses:

wherein the plurality of items are presented in an order in accordance with at least one of: a number of times each of the plurality of items has been selected and a date of a most recent selection of each of the plurality of items.

(Paragraph 10, lines 6-13; The automatic ranking control feature of the present invention uses one or more heuristic factors to automatically control the order in which menu item are arranged on a given menu. This feature is significant because it allows the menu management mechanism of the present invention to adapt quickly as use patterns change, while still taking historical selection patterns into account.)

(Paragraph 68, lines 1-4; Time stamp field 815 is used to track the last date (most recent) and time that the subject menu item was selected. This field is used for the automatic recency and the automatic time of day control facilities.) It would have been obvious to one ordinary skill in the art at the time the invention was made to combine Roth's method of selecting the context arrangement with Nakajima's method because Roth's method which would selectively determine the display arrangement due to the frequency of the usage of the applications would improve the means for determining the heuristic menu arrangement and further enhance the appearance it would display the last appearance within the presentation context more prominently (Roth, Paragraph 5).

<u>In reference to claim 7:</u>

Nakajima does not disclose:

wherein both the selection context representation the presentation context representation include a parameter indicating a geographical area

However, Salmimaa discloses:

wherein both the selection context representation the presentation context representation include a parameter indicating a geographical area

(Paragraph11, 1-8; A third embodiment of the invention includes a mobile terminal configured with a microprocessor, a memory, and a display device that displays a plurality of icons. The icons are displayed on the display device using a display format (e.g., size) that relates to the degree with which each icon matches one or more context values, such as time of day, geographic location, or characteristics contained in a user's profile.)

Nakajima does not disclose:

determining the relation between the selection context representation and the presentation context representation comprises applying a first weight to a relation between the geographical areas

However, Salmimaa discloses:

determining the relation between the selection context representation and the presentation context representation comprises applying a first weight to a relation between the geographical areas

(Paragraph11, 1-8; A third embodiment of the invention includes a mobile terminal configured with a microprocessor, a memory, and a display device that displays a plurality of icons. The icons are displayed on the display device using a display format (e.g., size) that relates to the degree with which each icon matches one or more context values, such as time of day, geographic location, or characteristics contained in a user's profile.)

It would have been obvious to one ordinary skill in art at the time the invention was made to combine Salamimaa's method of adding geographical location within Nakajima's extensible context menu because that would enhance Nakajima's context menu presentation by providing the proximity of the user instant location during the time the user interact with the device and display the appropriate location indication within the context display (Salmimaa, Paragraph 27).

Nakajima modified by Salmimaa does not disclose:

a parameter indicating a recurring time period,

However, Roth discloses:

a parameter indicating a recurring time period,

(Paragraph 10, lines 6-13; The automatic ranking control feature of the present invention uses one or more heuristic factors to automatically control the order in which menu item are arranged on a given menu. This feature is significant because it allows the menu management mechanism of the present invention to adapt quickly as use patterns change, while still taking historical selection patterns into account.)

Nakajima modified by Salmimaa does not disclose:

applying a second weight to a relation between the recurring time periods.

However, Roth discloses:

applying a second weight to a relation between the recurring time periods.

(Paragraph 10, lines 6-13; Time stamp field 815 is used to track the last date and time that the subject menu item was selected. This field is used for the automatic recency and the automatic time of day control facilities.)

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine Roth's method of selecting the context arrangement with Nakajima's method which is modified by Salmimaa 's method of geographical positioning would selectively determines the display

arrangement due to the frequency of the usage of the applications and prioritize the most recent appearance prominently would improve the means for determining the heuristic menu arrangement within the presentation context(Roth, paragraph 6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZIAUL CHOWDHURY whose telephone number is (571)270-7750. The examiner can normally be reached on Monday Thru Friday, 7:30AM To 9:00PM, Alternet Friday, Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TUAN Q. DAM can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Z. C./
Examiner, Art Unit 2192

/Tuan Q. Dam/
Supervisory Patent Examiner, Art Unit 2192